

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
VUNJAK-NOVAKOVIC, Gordana et al.

Serial No.: 10/815,778

Filed: April 2, 2004

For: CARTILAGE IMPLANT
ASSEMBLY AND METHOD FOR
IMPLANTATION

Group Art Unit: 1657

Examiner: Satyendra K. SINGH

Confirmation No.: 8172

I hereby certify that this correspondence is being deposited
electronically with the USPTO on 5-1-08
(Date of Deposit)

Mary J. Wilson 5-1-08
(Signature) (Date)

X

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§1.97 and 1.98, applicants and their attorney respectfully request that the following documents be made of record in the official United States Patent and Trademark Office file relating to the above-identified application. The citation of these documents should not be construed as an admission that they constitute statutory prior art with respect to the present invention. In accordance with 37 C.F.R. §1.98(a)(2)(ii), copies of the following U.S. patents are not submitted herewith.

U.S. Patent Nos.

3,400,199
4,656,137
4,801,299
5,336,616
5,855,620
5,863,296
5,899,936
6,376,244

Non-Patent Documents

Diduch et al., "Joint Repair: Treatment Options for Articular Cartilage Injury" Orthopedic Technology Review (2002) 4:24-27.

Stone, et al., "One-step American Technique of Articular Cartilage Paste Grafting to Traumatic and Arthritic Defects in the Knee Joint (2-7 Years Follow Up)", downloaded from <http://www.stoneclinic.com/onestep.htm>, publication date unavailable.

Hunziker, "Articular Cartilage Structure in Humans and Experimental Animals", *Articular Cartilage and Osteoarthritis*, Raven Press, ed., (1992) pp. 183-199.

Copies of the non-patent documents listed above are enclosed in accordance with 37 C.F.R. § 1.98. In this regard, applicants' attorney notes that he was not able to obtain a copy of the Diduch et al. article, as published. However, the primary author of the Diduch et al. article (i.e., David R. Diduch, M.S., M.D.) has provided a copy of this article, as written and maintained in the author's records, to applicants' attorney. A copy of this version of the Diduch et al. article is attached hereto. Should the Examiner have any questions regarding the enclosed copy of the Diduch et al. article, she is requested to contact the undersigned attorney regarding the same.

Applicants' attorney also notes that the Hunziker article listed above was previously cited in the present application. However, the year of publication of the Hunziker article was erroneously listed as 2001 in the previous citation. In such circumstances, the Hunziker article is being cited herein with the correct year of publication (i.e., 1992). A copy of the Hunziker article is attached hereto as well.

With reference to the Stone et al. document listed above, applicants' attorney notes that it does not contain a date of publication. Applicants' attorney downloaded the Stone et al. document from the above-listed web site on April 4, 2008.

Applicants wish to inform the Examiner of the following co-pending U.S. patent application, which is at least partially commonly owned with the present application:

U.S. Patent Application Serial No. 12/079,629 filed March 26, 2008 ("the '629 Application") is a divisional application of U.S. Patent Application Serial No. 10/960,960, now abandoned. A copy of the '629 Application, as filed, is attached. The title, inventors and assignees for the '629 Application are as follows:

Title: CARTILAGE IMPLANT PLUG WITH FIBRIN GLUE AND
METHOD FOR IMPLANTATION

Inventors: GORDANA VUNJAK-NOVAKOVIC, KATHERINE G. TRUNCALE,
MOON HAE SUNWOO, AND ARTHUR A. GERTZMAN

Assignees: MUSCULOSKELETAL TRANSPLANT FOUNDATION AND
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

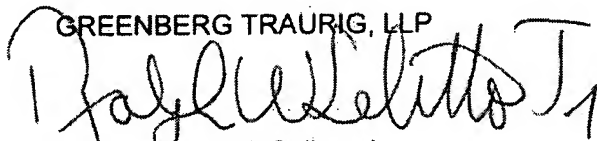
Applicants also note that the present application is also commonly owned by Musculoskeletal Transplant Foundation and Massachusetts Institute of Technology.

In order to facilitate the Examiner's citation of the documents listed above, applicants' attorney has completed United States Patent and Trademark Office Forms PTO/SB/08A and PTO/SB/08B. The completed forms are attached hereto for the Examiner's convenience.

Pursuant to 37 C.F.R. §1.97(c), a fee of \$180 is due in connection with the submission of this Supplemental Information Disclosure Statement because it is being filed after the mailing date of a first Office Action on the merits in the present application. The Commissioner is authorized to charge this \$180 fee to Deposit Account No. 501561. In the event that there are any additional fees due and owing in connection with the filing of this Supplemental Information Disclosure Statement, including extension and petition fees, the Commissioner is hereby authorized to charge them to Deposit Account No. 501561.

Respectfully Submitted,

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